

#4



UNITED STATES PATENT AND TRADEMARK OFFICE

 COMMISSIONER FOR PATENTS
 UNITED STATES PATENT AND TRADEMARK OFFICE
 WASHINGTON, D.C. 20231
 www.uspto.gov

APPLICATION NUMBER	FILING/RECEIPT DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NUMBER
09/724,797	11/28/2000	Jon Thorson	2653/40

CONFIRMATION NO. 7811

FORMALITIES LETTER



OC000000006035004

 KENYON & KENYON
 One Broadway
 New York, NY 10004

07/09/2001 ETULU1 00000029 110600 09724797

 01 FC:201 355.00 CH
 02 FC:202 280.00 CH
 03 FC:203 108.00 CH
 04 FC:205 65.00 CH

Date Mailed: 05/03/2001

NOTICE TO FILE MISSING PARTS OF NONPROVISIONAL APPLICATION

FILED UNDER 37 CFR 1.53(b)

Filing Date Granted

An application number and filing date have been accorded to this application. The item(s) indicated below, however, are missing. Applicant is given **TWO MONTHS** from the date of this Notice within which to file all required items and pay any fees required below to avoid abandonment. Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136(a).


- The statutory basic filing fee is missing.
Applicant must submit \$ 710 to complete the basic filing fee and/or file a small entity statement claiming such status (37 CFR 1.27).
- Total additional claim fee(s) for this application is \$6162.
 - \$2322 for 129 total claims over 20.
 - \$3840 for 48 independent claims over 3.
- The oath or declaration is missing.
A properly signed oath or declaration in compliance with 37 CFR 1.63, identifying the application by the above Application Number and Filing Date, is required.
- To avoid abandonment, a late filing fee or oath or declaration surcharge as set forth in 37 CFR 1.16(e) of \$130 for a non-small entity, must be submitted with the missing items identified in this letter.
- The balance due by applicant is \$ 7002.
- This application does not contain a statement that the content of the sequence listing information recorded in computer readable form is identical to the written (on paper or compact disc) sequence listing and, where applicable, includes no new matter, as required by 37 CFR 1.821(e), 1.821(f), 1.821(g), 1.825(b), or 1.825(d). Applicant must provide such statement. If the effective filing date is on or after September 8, 2000, see the final rulemaking notice published in the Federal Register at 65 FR 54604 (September 8, 2000) and 1238 OG 145 (September 19, 2000).
- A copy of the "Sequence Listing" in computer readable form has not been submitted as required by 37 C.F.R. 1.821(e). If the effective filing date is on or after September 8, 2000, see the final rulemaking notice published in the Federal Register at 65 FR 54604 (September 8, 2000) and 1238 OG 145 (September 19, 2000). Applicant must provide an initial computer readable form (CRF) copy of the "Sequence Listing" and a statement that the content of the sequence listing information recorded in computer readable form is identical to the written (on paper or compact disc) sequence listing and, where applicable, includes no new matter, as required by 37 CFR 1.821(e), 1.821(f), 1.821(g), 1.825(b),

or 1.825(d). If applicant desires the sequence listing in the instant application to be identical with that of another application on file in the U.S. Patent and Trademark Office, such request in accordance with 37 CFR 1.821(e) may be submitted in lieu of a new CRF.

For questions regarding compliance to these requirements, please contact:

- For Rules Interpretation, call (703) 308-4216
- To Purchase PatentIn Software, call (703) 306-2600
- For PatentIn Software Program Help, call (703) 306-4119 or e-mail at patin21help@uspto.gov or patin3help@uspto.gov

A copy of this notice MUST be returned with the reply.


Customer Service Center

Initial Patent Examination Division (703) 308-1202

PART 2 - COPY TO BE RETURNED WITH RESPONSE



Docket No.: 2653/40

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICANT : Jon S. THORSON
SERIAL NO. : 09/724,797
FILED : November 28, 2000
FOR : **MICROMONOSPORA ECHINOSPORA GENES ENCODING
FOR BIOSYNTHESIS OF CALICHEAMICIN AND SELF-
RESISTENCE THERETO**
GROUP ART UNIT : 1633

Attn: **BOX MISSING PARTS**
Assistant Commissioner for Patents
Washington, D.C. 20231

RESPONSE TO NOTICE TO FILE MISSING PARTS OF APPLICATION

Sir:

In response to the Notice to File Missing Parts of Application mailed May 3, 2001, enclosed herewith are the following:

- (1) Copy of Notice to File Missing Parts of Application, mailed May 3, 2001;
- (2) Declaration executed by inventors.
- (3) Appointment of Power of Attorney by Assignee of Entire Interest

Applicants request that the Preliminary Amendment filed herewith be entered into the application before the filing fee for the application is calculated. According to Applicant's calculation, the following fees are now applicable:

Small Entity Filing Fee:	\$ 355
Seven (7) Independent Claims in Excess of Three (3):	\$ 280
<u>Twelve (12) Dependent Claims in Excess of Twenty (20):</u>	<u>\$ 108</u>
	\$ 743

The Commissioner is hereby authorized to charge the appropriate filing fee for this application to Deposit Account No. 11-0600.

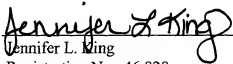
The Commissioner is also hereby authorized to charge the fee of \$65.00 required by 37 C.F.R. § 1.16(e) to Deposit Account No. 11-0600.

The Commissioner is further authorized to charge any additional fee or credit any overpayment arising from this communication to that same account. A duplicate copy of this transmittal letter is enclosed for accounting purposes.

Respectfully submitted,

KENYON & KENYON

Date: 3 July 2001


Jennifer L. King
Registration No. 46,828

Suite 700 • 1500 K Street, N.W. • Washington, DC 20005 • (202) 220-4200 Fax: (202) 220-4201